

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

This Document Relates to:

1:14-cv-12421-RWZ: Baker v. Insight, et al.	)	
1:14-cv-12905-RWZ: Epperly v. Insight, et al.	)	MDL No. 1:13-md-2419-RWZ
1:14-cv-12908-RWZ: McFarlane v. Insight, et al.	)	
1:14-cv-12910-RWZ: Smith v. Insight, et al.	)	
1:14-cv-12916-RWZ: Kalinoski v. Insight, et al.	)	
1:14-cv-12917-RWZ: Filson v. Insight, et al.	)	
1:14-cv-12919-RWZ: Bradley v. Insight, et al.	)	
1:14-cv-12924-RWZ: Foutz v. Insight, et al.	)	
1:14-cv-12927-RWZ: Whitlow v. Insight, et al.	)	
1:14-cv-12928-RWZ: Harris v. Insight, et al.	)	
1:14-cv-12929-RWZ: Smith v. Insight, et al.	)	
1:14-cv-12930-RWZ: Holbrook v. Insight, et al.	)	
1:14-cv-12931-RWZ: Courtney v. Insight, et al.	)	
1:14-cv-12933-RWZ: Wertz v. Insight, et al.	)	
1:14-cv-12937-RWZ: Johnston v. Insight, et al.	)	
1:14-cv-12938-RWZ: Brown v. Insight, et al.	)	
1:14-cv-12939-RWZ: Shuck v. Insight, et al.	)	
1:14-cv-12940-RWZ: White v. Insight, et al.	)	
1:14-cv-12941-RWZ: Brown v. Insight, et al.	)	
1:14-cv-12942-RWZ: Artis v. Insight, et al.	)	
1:14-cv-12978-RWZ: Bender v. Insight, et al.	)	
1:14-cv-13496-RWZ: Neal v. Insight, et al.	)	
1:14-cv-13504-RWZ: Austin, et al. v. Insight, et al.	)	
1:14-cv-13505-RWZ: Agnew, et al. v. Insight, et al.	)	
1:14-cv-13507-RWZ: Buchanan v. Insight, et al.	)	
1:14-cv-13508-RWZ: Miller v. Insight, et al.	)	
1:14-cv-13509-RWZ: Andrews v. Insight, et al.	)	
1:14-cv-13510-RWZ: Bishop v. Insight, et al.	)	
1:14-cv-13511-RWZ: Bell, et al. v. Insight, et al.	)	
1:14-cv-13578-RWZ: Vineyard v. Insight, et al.	)	
1:14-cv-13580-RWZ: Boggs v. Insight, et al.	)	
1:14-cv-13583-RWZ: Brown v. Insight, et al.	)	
1:14-cv-13584-RWZ: Linthicum v. Insight, et al.	)	
1:14-cv-13586-RWZ: Morris v. Insight, et al.	)	
1:14-cv-13587-RWZ: Stoots v. Insight, et al.	)	

1:14-cv-13589-RWZ: Taliaferro v. Insight, et al.	)
1:14-cv-13831-RWZ: Mitchell v. Insight, et al.	)
1:14-cv-13975-RWZ: Carr v. Insight, et al.	)
1:14-cv-14525-RWZ: Lester v. Insight, et al.	)
1:14-cv-14538-RWZ: Clemons v. Insight, et al.	)
1:14-cv-14542-RWZ: Gaskins v. Insight, et al.	)
1:14-cv-14552-RWZ : Fidler, et al. v. Insight, et al.	)
1:14-cv-14698-RWZ: Proffitt v. Insight, et al.	)
1:14-cv-14700-RWZ : Walker v. Insight, et al.	)
1:14-cv-14702-RWZ : Huff v. Insight, et al.	)
1:14-cv-14705-RWZ : Cuddy-Taylor v. Insight, et al.	)
	)

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**JOINT MOTION FOR ENTRY OF AN ORDER STAYING DISCOVERY AND ALL  
OTHER PROCEEDINGS RELATING TO CERTAIN VIRGINIA CASES**

Come now Insight Health Corp., Insight Health Services Corp., Insight Health Services Holdings, Image Guided Pain Management, P.C., John M. Mathis, M.D., and Robert F. O'Brien, M.D. hereinafter ("Virginia Defendants"), by counsel, and Counsel for the Virginia Plaintiffs in the cases listed above, hereinafter ("Virginia Plaintiffs"), who move this Court for the entry of an order staying discovery and all other litigation activity and proceedings in all cases filed by the Virginia Plaintiffs against the Virginia Defendants and now pending in these MDL proceedings.

In support of this Motion, the Virginia Defendants and the Virginia Plaintiffs advise the Court that they have entered into a settlement conditioned upon the approval of a Chapter 11 plan by Judge Henry Boroff of the United States Bankruptcy District Court of Massachusetts, and that judicial efficiency will be advanced by an order staying discovery and all other litigation activity and proceedings relating to these parties. In further support of this motion, the parties represent that on March 3, 2015, Judge Boroff entered an Order (I) Approving the Adequacy of the Amended Joint Disclosure Statement; (II) Approving Solicitation and Notice Procedures with respect to Confirmation of the Plan Proponents' First Amended Joint Plan of Reorganization; (III) Approving the Form of Various Ballots and Notices in Connection Therewith; (IV)

Scheduling Certain Dates with Respect Thereto; and (V) Granting Related Relief. Pursuant to Judge Boroff's Order the Confirmation Hearing is scheduled for May 19, 2015. A final settlement cannot be reached until the Chapter 11 Plan of NECC is approved in the bankruptcy proceeding, and this process will likely take several months. Until the resolution of the potential settlement, it is respectfully requested that this Court stay the MDL proceedings as to the Virginia Defendants and the Virginia Plaintiffs. This stay would not affect any separate cases filed by the Virginia Plaintiffs against parties other than the Virginia Defendants, including cases filed against UniFirst Corporation ("UniFirst").

The requested relief by the Virginia Defendants and Virginia Plaintiffs will preserve the benefits of the settlements without impeding the progress of the remaining actions in the MDL that have not settled, thereby obviating the need for further litigation between the Virginia Defendants and Virginia Plaintiffs in these MDL proceedings and relieving these parties of the related burden and expense.

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Accordingly, for the reasons stated herein the Virginia Defendants and Virginia Plaintiffs jointly request that this Court (I) grant the Motion and (II) enter an Order staying discovery and all other litigation activity and proceedings in all cases filed by the Virginia Plaintiffs against the Virginia Defendants and now pending in these MDL proceedings.

Date: March 24, 2015

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**CERTIFICATE OF SERVICE**

I certify that, on March 24, 2015, this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Leo J.M. Boyd  
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